

**DURHAM, NORTH CAROLINA  
MONDAY, JANUARY 16, 2018  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore – Jillian Johnson and Council Members Vernetta Alston, Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, Acting City Clerk Diana Schreiber and Sr. Executive Assistant LaVerne Brooks.

Mayor Schewel called the meeting to order, welcomed everyone in attendance and called for a moment of silent meditation.

Mayor Schewel congratulated the newly appointed Council Member Javiera Caballero.

Ms. Caballero was administered the Oath of Office.

Council Member Caballero thanked her supporters and spoke to being proud to become part of the legislative process at this historical juncture in Durham.

Mayor Schewel informed Council that resident Barbara Loftin had requested to speak about a topic that was not on the agenda; and explained her concern would be addressed at the end of the meeting.

**[CEREMONIAL ITEMS]**

Mayor Schewel announced the Neighborhood Spotlight Award for January 2018 for Durham resident, Terry Parker; read the proclamation into the record; and indicated the award was a great honor that the City bestowed upon residents.

Ms. Parker thanked everyone for the recognition and acknowledged that it was greatly appreciated.

Mayor Schewel read into the record the proclamation honoring retired City Clerk D. Ann Gray for her 33 years of service to the City of Durham's City Clerk's Office; acknowledged that Ms. Gray had served 54 Council members during her tenure; invited Council Members, both current and former, to the podium to make congratulatory remarks: Mayor William "Bill" Bell, Mayor Pro-tempore Cora Cole-McFadden and former Council Members Diane Cattoti, Eugene Brown, Eddie Davis, Don Moffit and Senator Mike Woodard.

Ms. Gray thanked everyone for their support over the years and expressed her gratefulness for having had the chance to work with some incredible people while serving the city.

Mayor Schewel thanked the former Council Members for being in attendance at the meeting and recognized former Council Member Jackie Wagstaff who was seated in the audience.

**[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]**

City Manager Bonfield, on behalf of the City Manager administration and all of the City employees, congratulated Council Member Caballero and her appointment and stated that he was looking forward to working with her.

There were no priority items for the City Attorney and City Clerk.

**[CONSENT AGENDA]**

Mayor Schewel explained the Consent Agenda was passed with one motion; and asked if there were any items that needed to be pulled from the Consent Agenda. The Mayor noted if items were pulled, they would be discussed later in the meeting.

No items were pulled from the Consent Agenda.

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to approve the Consent Agenda was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: 2017 MUNICIPAL PRIMARY ELECTION**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize payment in the amount of \$2,572.35 to the Orange County Board of Elections for the October 10, 2017 primary election held for a portion of the City of Durham that falls within Orange County was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: AWARD OF HOME COMMUNITY HOUSING DEVELOPMENTS ORGANIZATION (CHDO) FUNDS TO CASA (FORMERLY KNOWN AS COMMUNITY ALTERNATIVE FOR SUPPORTIVE ABODES) FOR PERMANENT AFFORDABLE HOUSING**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the expenditure of \$244,300.00 in HOME Community Housing Development Organization (CHDO) funds for the purpose of preserving permanent affordable housing; and

To authorize the City Manager to execute a HOME CHDO Grant Agreement and other related legal documents in the amount of \$244,300.00 with CASA was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: APPROVAL OF DEDICATED HOUSING FUNDS TO THE DURHAM COMMUNITY LAND TRUSTEES, INC. FOR THE CONSTRUCTION OF AN AFFORDABLE RENTAL HOUSING UNIT LOCATED AT 830 KENT STREET**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to approve the expenditure of \$107,000.00 in Dedicated Housing Funds for the construction of an affordable rental housing unit located at 830 Kent Street; and

To authorize the City Manager to execute a Forgivable Construction/Permanent Loan Agreement and other related legal documents, that is forgiven over a period of 20 years at 0% interest was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: APPROVAL OF HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUNDS TO THE DURHAM COMMUNITY LAND TRUSTEES, INC. FOR THE CONSTRUCTION OF AN AFFORDABLE RENTAL HOUSING UNIT LOCATED AT 1207 KENT STREET**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to approve the expenditure of \$117,000.00 in HOME Community Housing Development Organization (CHDO) funds for the construction of an affordable rental housing unit located at 1207 Kent Street; and

To authorize the City Manager to execute a Forgivable Construction/Permanent Loan Agreement and other related legal documents in the amount of \$117,000.00 that is forgiven over a period of 20 years at 0% interest was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: GRANT AGREEMENT FOR THE DOWNTOWN DURHAM WAYFINDING PROGRAM (C-5605H)**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute the Downtown Durham Wayfinding Program (TIP C-5605H) Municipal Agreement with the NC Department of Transportation for design and installation of wayfinding signage for downtown Durham;

To adopt a Grant Resolution to accept federal grant funding in the amount of \$556,600.00 from the NCDOT; and

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2017-18, as amended, the same being Ordinance #15131, for the purpose of receiving

additional funds in the amount of \$556,600.00 to the Downtown Wayfinding Project (LC408) where the existing CIP match funding of \$139,150.00 is current appropriated was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**ORDINANCE #15249 & RESOLUTION #10071**

**SUBJECT: 2018 - 2021 EMPLOYEE BENEFITS RECOMMENDATIONS**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute contracts with recommended benefit vendors for the 2018-2021 Employee Benefits Program for the plan years July 1, 2018 through June 30, 2021 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: REQUEST TO AMEND THE 2016 HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) GRANT PROJECT ORDINANCE #15178**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to accept the Executive Office of the President, Office of National Drug Control Policy, 2016 High Intensity Drug Trafficking Areas (HIDTA), Grant by executing the grant documents; and

To adopt the Executive Office of the President, Office of National Drug Control Policy, 2016 High Intensity Drug Trafficking Areas (HIDTA) Grant Project Ordinance, superseding Grant Project Ordinance #15178 in the amount of \$327,123.31 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**ORDINANCE # 15248**

**SUBJECT: CONTRACT SW-62 FOR 2018 SIDEWALK REPAIRS**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute a contract for SW-62, 2018 Sidewalk Repairs with White Oak Construction Corp. of N.C., in the amount of \$1,399,590.00;

To establish a contingency fund in the amount of \$139,959.00; and

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$1,539,549.00 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-285 FOR 2018 STREET REPAIRS AND REPAVING**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute a contract for ST-285, 2018 Street Repairs and Repaving with FSC II, LLC dba Fred Smith Company in the amount of \$6,301,263.00;

To establish a contingency fund in the amount of \$630,126.30 (10%); and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$6,931,389.30 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE SOFTWARE MAINTENANCE SERVICE AGREEMENT**

**MOTION** by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to authorize the City Manager to execute an agreement with Environmental Systems Research Institute, Inc. in the amount of \$105,022.16 to cover the period of one year for software licenses and maintenance service was approved at 7:25 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: CONSOLIDATED ITEM FOR 2101 HOUSE AVENUE**

Jamie Sunyak, Senior Planner of the City-County Planning Department, presented the staff report and stated that the Planning public hearing items were certified to have been advertised in accordance with state law and affidavits were on file to that effect in the Planning Department.

Ms. Sunyak reported on a request for Future Land Use Map (FLUM) amendment and zoning map change received for a 5.65 acre parcel of land located at 2101 House Avenue; the future FLUM amendment would change the current designation from Medium Density Residential (6-12 du/acre to Medium-High Density Residential (8-20 du/acre); the applicant requested change the zoning of the subject site from Residential Suburban Multifamily (RS-M) to Residential Urban Multifamily (RU-M), Commercial Center (CC), Commercial Neighborhood with a Development Plan (CN(D) to Residential Urban Multifamily with a Development Plan (RU-M (D); key commitments on the development plan associated with this request include a maximum of 78 residential units, easement to adjacent properties where encroachment's have occurred, extending the water line on Merrimac Street, covered bicycle stalls in addition to site access points, building and parking envelope, tree coverage locations and the project boundary buffers; Durham Planning Commission considered the requests at the November 17, 2017 meeting and recommended approval of the request by a vote of 12-1.

Staff determined that the requests were consistent with the Comprehensive Plan and other adopted ordinances and policies.

Mayor Schewel opened the public hearing.

Council Member Freeman asked for clarity regarding the two votes that the Durham Planning Commission had reported.

Ms. Sunyak responded that there were two separate votes; one vote was for the amendment to change the Future Land Use Map (12-1) and the other vote was for the zoning map change (11-2).

Mayor Schewel stated there were speakers to the item.

### PROPONENTS

Dan Jewell, President of Coulter Jewell Thames, PA, spoke in support of the rezoning of the parcel to allow for a modest size multi-family residential rental community; the units would not be luxury apartments but rather built in the spirit of the neighborhood scaled to provide a reasonable transition from the existing multi-family and single family homes to the north and west with the existing commercial development to the south and east; noted there had been a neighborhood meeting held at the Scrap Exchange in February 2017 - eight families attended and the main discussion points brought up were traffic impacts, cleaning up the trash, undergrowth on the property and coordination with the redevelopment of the north end of the shopping center.

Mr. Jewell stated for record that their commitment was to provide a substantial amount of workforce housing with this development which is that which is affordable to entry level teachers, non-profit employees, policemen, firemen, first responders and other public employees that desire safe housing options near their work place. Therefore, 25% of the dwelling units shall be available at an annual rental rate that is equal to or less than 30% of 80% of the annual median income; another 25% of the dwelling units shall be available at an annual rental rate that is equal to or less than 30% of 100% of the annual median income for the Durham County MSA; this amount will be recalculated on an annual basis using the income limits published by the U.S. Department of Housing & Urban Development; the rental rate will be maintained by the owner of the property for a period of 10 years which shall begin on the date that the City of Durham issues the final certificate of compliance for the development; the property owner will provide an annual certification signed by a representative of the owner with legal authority to bind the owner to the City of Durham Planning Director stating that the rental rates are being maintained; this certification shall be provided to the City on the anniversary date of the issuance of first certificate of compliance for the development; these units will be reserved for and actively marketed for employees of the city\county of Durham and Durham Public Schools for the prelease period starting 90 days prior to initial occupancy; the owner will work with the Human Resources Departments of these three organizations to identify and prequalify potential tenants or eligible employees; owner will also advertise on their web site and through social media that those units are available and to whom; the program will be updated annually to identify new potential tenants and to provide annual certification again to the City of Durham Planning Director that the program is being maintained as committed.

Phillip Seib of East Hammond Street, spoke and strongly encouraged Council to support the rezoning request for the current vacant lot located at 2106 House Avenue because the development will simultaneously help to address three concerns Durham was currently facing: 1) The proposed development will indirectly relieve a portion of the housing crisis by committing 50% of its units for the City's entry level employees for the next 10 years; 2) The project is committed to making the City of Durham an attractive option to entry level work force professionals in the public service sector by focusing a large portion of its efforts to leasing to Durham school teachers, police officers, firefighter's, emergency service responders non-profit

professionals and municipal employees and 3) It is equally important that the city focus on the impacts of gentrification of our historic neighborhoods and by keeping 50% of total units reserved for potential tenants at attainable AMI levels, the project would not significantly change the profile of the current neighborhood. The transition of the space from a vacant lot to a thriving, young family housing community would enrich the Lakewood Community.

Lizzie Ellis-Furlong, Executive Director of the Durham Literacy Center located on Chapel Hill Road (two blocks away from House Avenue) and resident of Laurendale Avenue, spoke about her concerns for an employee who had been pushed out of Lakewood as a resident because rent had doubled and the employee is now living in substandard housing but who needed to stay in Lakewood for her children to attend the same school.

Ms. Ellis-Furlong has three other employees who are at risk of being displaced due to gentrification that was going on in the Lakewood Community.

## OPPONENTS

Lanier Blum of Upchurch Circle, stated that she felt that the proposal to rezone the land was the best possible use for the land but had concerns; questioned what is affordable housing; spoke to rents being above market for much of Durham; noted that offering subsidized apartments and Section H tenants would really be beneficial; expressed concerns about the staff report and the process City planners used; opined that the City values and professional ethics as City planners demand that they go the extra mile to help empower and find community voices and to consider the impacts of low income individuals and the welfare of the public – not just the welfare of people who own land and people who might live in new developments; asked that tenants and renters be notified about changes like this in their neighborhoods; voiced concerns about the increase of traffic on side streets and lack of sidewalks being added in the proposal; requested Council consider working with the developer to build a sidewalk for one block on Merrimac Street and move the entrance to the new apartment complex from Merrimac Street - a tiny one lane road with no sidewalks to Shopper Street or House Street which have two lanes and would be a perfect place for sidewalks; and she supported the rezoning of the development for residential at the right time and under the right conditions.

Mayor Pro-Tempore Johnson asked the landscape architect representing the developer if a traffic analysis had been done.

Mr. Jewell responded that a traffic analysis had not been done because they were well below the threshold required by the Unified Development Ordinance.

Mayor Pro-Tempore Johnson asked Mr. Jewell to talk about walkability in the community and asked if there were any plans for sidewalks.

Mr. Jewell responded that the Unified Development Ordinance required sidewalks be built along the entire public street frontages and they would do that. It was not on the development plan because that was a Unified Development Ordinance requirement so they have to do it anyway; there was a thorough review of the property by the Transportation Department and Durham Bicycle & Pedestrian Advisory Commission and the Bicycle Commission only asked them to do covered bike parking and access through the site; stated that both of these were represented as committed elements so they had not made any representations to improve sidewalks off of the property.

Mayor Pro-Tempore Johnson asked Mr. Jewell where the entrance to the site would be.

Mr. Jewell responded that the entrance would be on House Street.

Mayor Schewel asked staff if there was a traffic estimate for Merrimac Street.

Bill Judge, Transportation Engineer, responded that they do not have ADT traffic volumes for these streets because they are considered neighborhood residential streets and the additional traffic would not create a capacity along those roadways and that's why there were not included in the report.

Mayor Schewel asked Mr. Jewell about his thought on proffering the sidewalk on Merrimac Street.

Mr. Jewell stated that he had caucused with his clients and that they were going to be making some fairly expensive infrastructure improvements such as a failing storm drain that ran under the site that was going to have to be replaced; water would have to be extended into the site down Merrimac which meant that they would be doing improvements to the street anyway and that they were willing to work with the City by doing the surveying to see if a sidewalk could fit on the site and if one could, they would work with staff to identify public funds that could be used to install a sidewalk on Merrimac.

Mayor Pro-Tempore Johnson asked staff to include renters in the notification process in addition to owners about projects going on in the neighborhood; and added that a lot of people would be interested and were not getting the notices.

Planning Director Patrick Young responded that the property was posted with a sign and a legal ad was run; staff would explore alternatives in sending direct notices to renters and would bring additional information to the Joint City-County Planning Committee about costs and alternatives.

Being no additional speakers, Mayor Schewel declared the public hearing closed.

**MOTION** by Mayor Pro-Tempore Johnson, seconded by Council Member Middleton, to adopt a Resolution Amending the Comprehensive Plan to establish Medium-High Density Residential as the site's designation on the Future Land Use Map (A1700012) ["Scrivener's error: The correct case number as reflected in the agenda packet is Case A1700005"] was approved at 8:24 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

## **RESOLUTION #10072**

**MOTION** by Mayor Pro-Tempore Johnson, seconded by Council Member Alston, to adopt a Consistency Statement as required by GS 160A-383 was approved at 8:26 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP CHANGE CONSISTENCY STATEMENT  
BY THE DURHAM CITY COUNCIL  
REGARDING Z1700012, 2101 HOUSE AVENUE



WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment Z1700012, 2101 House Avenue, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated January 16, 2018, regarding the subject '2101 House Avenue' (Z1700012) along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This consolidated item promotes this by offering a fair and reasonable development regulations, supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Consistency with Comprehensive Plan'; dated January 16, 2018, regarding the subject '2101 House Avenue' (Z1700012) along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

#### **ORDINANCE #15247**

**MOTION** by Mayor Pro-Tempore Johnson, seconded by Council Member Reece, to adopt an ordinance (along with the proffers) amending the Unified Development Ordinance by taking the described property in zoning map change Case Z1700012 out of the Residential Suburban Multifamily (RS-M), Residential Urban Multifamily (RU-M), Commercial Center (CC), Commercial Neighborhood with a Development Plan (CN(D)) zoning districts and placing same in and establishing same as Residential Urban Multifamily with a Development Plan (RU-M (D)) was approved at 8:27 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

#### **ORDINANCE #15246**

#### **SUBJECT: HEATERS FOR SENIORS**

Barbara Loftin of Timothy Avenue, spoke on behalf of the seniors in Durham and Durham County; expressed concerns about seniors not having sufficient heat in their homes; explained that she had contacted various agencies in Durham and there was a program with Social Services but they will not give a senior a heater until he/she did not have any heat at all; five families have had fires here in Durham since January 2018 using unsafe heaters; and asked for help for the seniors in order for them to get heat during the bad weather being experienced.

Ms. Loftin encouraged Council Members to ask their church members and anybody else to assist seniors who needed help staying warm.

Mayor Schewel informed Ms. Loftin that he had made some phone calls to some of the County Commissioners because the County traditionally provided these services; and suggested that the County might provide these types of heaters, but had not yet heard back.

Council Member Reece responded that he will make contact with his church and try to help out.

Ms. Loftin thanked the Council members for listening and providing help.

Mayor Schewel thanked Ms. Loftin for her work in the community.

There being no further business to come before Council, the meeting was adjourned at 8:30 p.m.

Laverne V. Brooks  
Senior Executive Assistant

Dianalynn Schreiber, CMC  
Acting City Clerk

**DURHAM, NORTH CAROLINA  
TUESDAY, JANUARY 16, 2018  
5:30 P.M.**

Pursuant to the proper notification, the Durham City Council held a Special Meeting on the above date and time in the City Hall Council Committee Room located on the second floor at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Vernetta Alston, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece.

Also in attendance: City Manager Tom Bonfield and Acting City Clerk Diana Schreiber.

The meeting was called to order by Mayor Schewel stating the purpose of the meeting was to elect the candidate to fill the at-large Council vacancy.

Mayor Schewel explained the majority vote process to elect the candidate to fill the at-large council vacancy; stated that each Council member would be given the opportunity to advocate for his/her candidate of choice; Council would then vote by ballot and the results would be read by the Acting Clerk; if there was a tie, a second vote would be conducted; additional rounds would continue until a clear majority was reached.

The tally of the first round of balloting resulted in the following votes:

Mayor Schewel – Pilar Rocha-Goldberg  
Mayor Pro Tempore Johnson – Javiera Caballero  
Council Member Alston – Javiera Caballero  
Council Member Freeman – Pilar Rocha-Goldberg  
Council Member Middleton – Pilar Rocha-Goldberg  
Council Member Reece – Javiera Caballero

Considering the first round of balloting ended tied, additional discussion ensued.

Mayor Schewel called for a second round of balloting.

The tally of the second round of balloting resulted in the following votes:

Mayor Schewel – Javiera Caballero  
Mayor Pro Tempore Johnson – Javiera Caballero  
Council Member Alston – Javiera Caballero  
Council Member Freeman – Pilar Rocha-Goldberg  
Council Member Middleton – Javiera Caballero  
Council Member Reece – Javiera Caballero

**MOTION** by Council Member Reece, seconded by Council Member Middleton to elect Javiera Caballero to the at-large Vacancy seat on the Durham City Council was approved at 5:55 p.m. by the following votes: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Alston, Middleton and Reece. Nays: Council Member Freeman.

Upon conclusion of the nomination process, Council adjourned at 5:57 p.m.

Diana Schreiber  
Acting City Clerk